

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,  
CLIFFORD HOYT, an individual, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,  
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and  
CHEMIMAGE CORP., a Delaware  
corporation,

Defendants.

**Civil Action No. 05-10367-RWZ**

**PLAINTIFF'S ASSENTED TO MOTION FOR LEAVE TO FILE  
A REPLY BRIEF TO DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION TO ENJOIN DEFENDANT'S REISSUE PROCEEDING**

Pursuant to Local Rule 7.1(b)(3), the plaintiffs, Peter J. Miller, Clifford Hoyt, and Cambridge Research and Instrumentation, Inc., hereby request leave to file a reply brief to defendants', Patrick Treado's and ChemImage Corp.'s, opposition to plaintiff's motion to enjoin defendants from proceeding with Reissue Application Ser. No. 11/103,423 ('the reissue proceeding') recently filed for U.S. Patent No. 6,734,962 ('the '962 patent').

Pursuant to Local Rule 7.1(a)(2), plaintiffs' counsel conferred with defendants' counsel concerning the filing of a reply to defendants' opposition in a teleconference on July 13, 2005. Defendants' counsel assented to plaintiffs' filing a reply to defendants' opposition.

Thus, because both parties agree that the filing of the reply should be allowed, and because plaintiffs believe that the reply brief will clarify and narrow the issues disputed by the parties,

plaintiffs respectfully submit that the present motion for leave to file a reply brief should be granted.

Plaintiffs are prepared to file a reply to defendants' opposition promptly upon a ruling by the Court on this motion.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,  
and CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,**

By their attorneys:

/s/ Teodor Holmberg  
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Dated: July 14, 2005

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Counsel for Plaintiffs conferred with Defense Counsel Anthony Fitzpatrick on July 13, 2005, in a good faith attempt to resolve or narrow the issue presented in this motion. Defense Counsel Fitzpatrick assented to the motion.

/s/ Teodor Holmberg  
Teodor J. Holmberg (BBO# 634708)